

Decision 04-12-038 December 16, 2004

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Eric King,

Complainant,

vs.

AT&T Communications of California, Inc., Sprint
Communications Company L.P., Z-Tel
Communications, Inc., and Pacific Bell Telephone
Company, doing business as SBC California,

Defendants.

(ECP)

Case 04-08-003
(Filed August 3, 2004)

OPINION DENYING RELIEF

I. Summary

Eric King (Complainant) disputes AT&T Communications of California, Inc. (AT&T) charges of \$37.72 billed to him after his long distance service was switched from Sprint Communications Company L.P. (Sprint) to AT&T without his permission. SBC California (SBC) made an inadvertent error in processing an order from Z-Tel Communications, Inc. (Z-Tel),¹ which resulted in the

¹ Sprint and Z-Tel are independently controlled, separately-owned corporations. The business relationship between Sprint and Z-Tel is one of vendor and vendee, which relationship is governed by contract. Z-Tel is Sprint's underlying provider for Sprint branded local telephone service.

unauthorized transfer of Complainant's long distance service from Sprint to AT&T. Complainant's long distance service was subsequently switched back to Sprint. During its investigation of the complaint, SBC discovered this error and contacted AT&T to secure the removal of the disputed AT&T charges of \$37.72. In a letter dated September 24, 2004, AT&T informed Complainant of these actions and stated that the matter had not been reported to any credit collection agency.

We agree with Complainant that, indeed, he was subjected to a frustrating experience in trying to get this matter resolved. However, we deny Complainant's request for a hearing and fines because there no longer is a billing dispute remaining, there is no evidence of intentional wrongdoing, and there is no further relief the Commission can provide in the form of damages. This proceeding is closed.

II. Procedural Summary

On September 30, 2004, AT&T, SBC, and Sprint separately filed answers to the complaint along with motions to dismiss. Complainant replied on October 8, 2004. Following a review of the pleadings, the assigned administrative law judge (ALJ) ruled that since there were no material facts in dispute, a hearing was not necessary. Accordingly, this matter was submitted for decision on the pleadings as of November 16, 2004.

III. The Dispute

Complainant claims that his long distance service was transferred from Sprint to AT&T without his authorization. The switch occurred at the time he requested SBC to change his local service provider from SBC to Z-Tel. Complainant seeks an explanation of who authorized the change to his long

distance service, and requests that AT&T charges of \$37.72 be removed from his bill.

AT&T says that when Complainant telephoned AT&T during May 2003, a customer service representative explained to Complainant that AT&T had not “slammed” him, that the order was placed by an Incumbent Local Exchange Carrier (ILEC), and that AT&T was not responsible for switching Complainant’s service from Sprint to AT&T. After SBC informed AT&T that an error had been made and SBC paid the disputed charge, AT&T adjusted Complainant’s account so that the balance is zero.

According to SBC, when Complainant first contacted SBC in March 2003 regarding this change in his long distance carrier, SBC located the Service Order Retrieval Distribution (SORD) order that initiated the change. This change showed that Z-Tel had submitted a request to change Complainant’s long distance carrier from Sprint to AT&T. Accordingly, SBC concluded that Z-Tel had submitted the change of the long distance carrier, which Complainant states he did not authorize.

However, after receiving the formal complaint, SBC investigated this matter again and found that SBC’s service representative had manually entered the SORD order. Usually, a competitive local exchange carrier (CLEC) enters information for an order, and the information flows through SBC’s systems. In this case, Z-Tel’s order did not flow through because Complainant has foreign exchange service. Consequently, SBC had to manually input Z-Tel’s request into its systems. SBC then retrieved the actual information submitted by Z-Tel (referred to as Purchase Order Number (PON)). The PON showed that in fact Z-Tel had identified Sprint as the long distance carrier. At this point, SBC determined its service representative must have inadvertently made an error

when typing the PON information into SBC's systems to create the SORD order. Upon making this determination, SBC negotiated an agreement with AT&T to remove the disputed charges from Complainant's AT&T bill.

SBC points out that AT&T notified Complainant in writing that the disputed charges have been removed. SBC believes it has complied with the applicable rule governing inadvertent changes to an unauthorized long distance carrier made by a Local Exchange Carrier.² Because the Complainant has received the relief requested, and SBC has taken the appropriate legal steps to resolve this matter, SBC submits that this complaint should be dismissed.

According to Complainant, notwithstanding that SBC and AT&T now admit that an error was made, it took seven hours of his time in telephone calls, including time being placed on hold, to get his long distance service restored to Sprint. He says SBC refused to give him access to his records which would have proved that he was right, and AT&T repeatedly indicated the billing charges were his fault. Complainant says that even after acknowledging a mistake made, neither AT&T nor SBC offered even an apology in the ensuing correspondence.

IV. Discussion

We find that Complainant has suffered great inconvenience in his efforts to get this matter resolved. As explained by SBC, there was human error involved, and we find there is no evidence of intentional wrongdoing. SBC was forthright in admitting its mistake, but we are saddened that SBC did not take the extra step to offer Complainant an apology, in the interests of better customer relations. Many customers, knowing how much time is involved in rectifying a

² See General Order 168, Part 5, Section F; CFR 64.1160.

minor mistake, would not go to the trouble required to reverse such an error. That said, however, there is no further relief that the Commission can provide. We have noted the facts of this case, and we expect AT&T and SBC to exercise more care in the future in handling such complaints. Accordingly, the complaint is denied and this proceeding is closed.

O R D E R

IT IS ORDERED that:

1. The complaint is denied.
2. This proceeding is closed.

This order is effective today.

Dated December 16, 2004, at San Francisco, California.

MICHAEL R. PEEVEY
President
CARL W. WOOD
LORETTA M. LYNCH
GEOFFREY F. BROWN
SUSAN P. KENNEDY
Commissioners